

1 CAPTION: (continued)
2 SERGEANT SONDRA WILSON, Shield No.
3 5172, Individually and in her Official
4 Capacity, SERGEANT ROBERT W. O'HARE,
5 Tax Id. 916960, Individually and in his
6 Official Capacity, SERGEANT RICHARD
7 WALE, Shield No. 3099 and P.O.'s "JOE
8 DOE" # 1-50, Individually and in their
9 Official Capacity (the name John Doe
10 being fictitious, as the true names are
11 presently unknown), (collectively
12 referred to as "NYPD defendants"), FDNY
13 LIEUTENANT ELISE HANLON, individually
14 and in her Official Capacity as a
lieutenant with the New York City Fire
Department, JAMAICA HOSPITAL MEDICAL
CENTER, DR. ISAK ISAKOV, Individually
and in his Official Capacity, DR.
LILIAN ALDANA-BERNIER, Individually and
in her Official Capacity and JAMAICA
HOSPITAL MEDICAL CENTER EMPLOYEE'S
"JOHN DOE" # 1-50, Individually and in
their Official Capacity (the name John
Doe being fictitious, as the true names
are presently unknown),

Defendants.

111 Broadway
New York, New York
October 8, 2013
10:17 a.m.

19 DEPOSITION of MICHAEL MARINO, held
20 at the above time and place, taken
21 before Al-Furquan Baker, a Shorthand
22 Reporter and Notary Public of the State
23 of New York, pursuant to the Federal
24 Rules of Civil Procedure, Order and
25 stipulations between Counsel.

Page 3

1

2 APPEARANCES:

3

4 LAW OFFICES OF NATHANIEL B. SMITH
5 Attorneys for Plaintiff
6 111 Broadway
7 New York, New York 10006

8

9 BY: NATHANIEL B. SMITH, ESQ.

10

11

12

13

14

15

16

17 NYC LAW DEPARTMENT
18 CORPORATION COUNSEL
19 Attorneys for Chief Michael Marino
20 and All City Defendants
21 100 Church Street
22 New York, New York 10007
23 BY: SUZANNA PUBLICKER METTHAM, ESQ.

24

25

26 CALLAN KOSTER BRADY & BRENNAN, LLP
27 Attorneys for Defendant Lillian
28 Aldana-Bernier
29 One Whitehall Street
30 New York, New York 10004
31 BY: MEREDITH B. BORG, ESQ.

32

33

34

35

36

37

38

39

40

(Continued on following page.)

Page 4

1

2 APPEARANCES: (Continued)

3

4 SCOPPETTA SEIFF KRETZ & ABERCROMBIE
5 Attorneys for Steven Mauriello
6 444 Madison Avenue
7 New York, New York 10022
8 BY: WALTER A. KRETZ, ESQ.

9

10 MARTIN CLEARWATER & BELL
11 Attorneys for Jamaica Hospital
12 Medical Center
13 220 East 42nd Street
14 New York, New York 10017
15 BY: BRIAN OSTERMAN, ESQ.

16

17 IVONE DEVINE & JENSEN, LLP
18 Attorneys for Dr. Isak Isakov
19 2001 Marcus Avenue
20 Lake Success, New York 11042
21 BY: BRIAN E. LEE, ESQ.

22

23 ALSO PRESENT:

24

25 MAGDALENA BAUZA
JOHN LENIR

Page 5

1

2

STIPULATIONS

3

4 IT IS HEREBY STIPULATED AND AGREED,
5 by and among counsel for the respective
6 parties hereto, that the filing,
7 sealing and certification of the within
8 deposition shall be and the same are
9 hereby waived;

10 IT IS FURTHER STIPULATED AND AGREED
11 that all objections, except as to form
12 of the question, shall be reserved to
13 the time of the trial;

14 IT IS FURTHER STIPULATED AND AGREED
15 that the within deposition may be
16 signed before any Notary Public with
17 the same force and effect as if signed
18 and sworn to before the Court.

19

20

21

* * *

22

23

24

25

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

Page 6

1 M. Marino

2 MR. SMITH: Okay.

3 So we're on the record. It's
4 10:20.5 We're beginning the
6 deposition of Chief Michael Marino.
7 It's being videotaped, and the
8 court reporter is taking down the
9 testimony. And it's being
10 videotaped at 111 Broadway, Suite
11 Number 1305, October 8, 2013.12 M I C H A E L M A R I N O,
13 the Witness herein, having first
14 been duly sworn by the Notary
15 Public, was examined and testified
16 as follows:

17 EXAMINATION BY

18 MR. SMITH:

19 Q. Good morning, chief.

20 How are you?

21 A. Good morning, counselor.

22 I'm fine.

23 Q. I know from reviewing some of
24 the documents that you have some
25 familiarity with this process.

Page 7

1 M. Marino

2 I just want to make sure that
3 there's some ground rules that we talk
4 about and are understood as we go
5 forward. Okay.

6 A. Yes.

7 Q. The first thing is, and as
8 I'm sure aware of it, it's important
9 for you to let me ask my whole question
10 and then think about what the answer is
11 and then answer the question because
12 the court reporter is taking down
13 everything I say and everything that
14 you say.

15 And if we talk on top of each
16 other, it makes it hard for the court
17 reporter to take down the whole
18 question and the whole answer.

19 Okay?

20 A. Yes, sir.

21 Q. The other thing I would ask
22 is if there is anything about my
23 questions that are unclear, please let
24 me know.

25 Okay?

Page 8

1 M. Marino

2 A. Yes, sir.

3 Q. You're here under oath. And
4 if you answer my questions, the record
5 will assume and I will assume that you
6 understand my question. And so I just
7 want to remind you that if there is
8 anything unclear or vague, please let
9 me know and I will try to rephrase it.

10 Okay?

11 A. Yes, sir.

12 Q. You understand that you are a
13 defendant in a lawsuit; is that
14 correct?

15 A. I do.

16 Q. And you understand that that
17 lawsuit is brought by Adrian
18 Schoolcraft against you and various
19 other members of the New York City
20 Police Department, right?

21 A. I do.

22 Q. And are you represented by
23 counsel here today?

24 A. I am.

25 O. Who?

Page 410

1 M. Marino

2 would just note that we have been
3 on the record for at this point for
4 almost exactly six hours and
5 40 minutes at this point.

6 MR. LEE: Do you mind if I
7 ask just a couple of questions of
8 the witness.

9 MR. SMITH: I'm not agreeing
10 with that characterization of the
11 number of hours on the record.

12 Go ahead.

13 You can ask whatever you
14 want.

15 EXAMINATION BY

16 MR. LEE:

17 Q. Chief, did you ever go to
18 Jamaica Hospital on the evening of
19 October 31, 2009?

20 A. Absolutely not.

21 Q. Did you ever speak with any
22 hospital personnel on October 31, 2009?

23 A. Absolutely not.

24 Q. Did you ever speak to any
25 hospital personnel in the week after

Page 411

1 M. Marino

2 October 31, 2009?

3 A. Absolutely not.

4 Q. Did you ever speak to any
5 doctors who treated Officer Schoolcraft
6 at Jamaica Hospital during the week
7 after October 31, 2009?

8 A. Absolutely not.

9 Q. Did you directed any EMS
10 personnel, paramedics or NYPD employees
11 to say anything to the people at
12 Jamaica Hospital concerning
13 Schoolcraft's condition?

14 A. Absolutely not.

15 [Continued on the next page
16 to allow for signature line and
17 jurat.]

18

19

20

21

22

23

24

25

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

LAUTERBORN

Page 1

1

2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4

5 ADRIAN SCHOOLCRAFT,

6

Plaintiff,

7

-against-

8

9 THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL
10 MARINO, Tax ID. 873220, Individually and in
11 his Official Capacity, ASSISTANT CHIEF
12 PATROL BOROUGH BROOKLYN NORTH GERALD
13 NELSON, Tax Id. 912370, Individually and in
14 his Official Capacity, DEPUTY INSPECTOR
15 STEVEN MAURIELLO, Tax Id. 895117,
16 Individually and in his Official Capacity,
17 CAPTAIN THEODORE LAUTERBORN, Tax Id.
18 897840, Individually and in his Official
19 Capacity, LIEUTENANT WILLIAM GOUGH, Tax Id.
20 919124, Individually and in his Official
21 Capacity, ST. FREDERICK SAWYER, Shield No.
22 2567, Individually and in his Official
23 Capacity, SERGEANT KURT DUNCAN Shield No.
24 2583, Individually and in his Official
25 Capacity, LIEUTENANT CHRISTOPHER BROSCHEART,

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

LAUTERBORN

Page 2

1
2 Tax Id. 915354, Individually and in his
3 Official Capacity, LIEUTENANT TIMOTHY
4 CAUGHEY, Tax Id. 885374, Individually and
5 in his Official Capacity, SERGEANT SHANTEL
6 JAMES, Shield No. 3004, Individually and in
7 his Official Capacity, and P.O.'s"JOHN DOE"
8 #1-50, Individually and in their Official
9 Capacity, (the name John Doe being
10 fictitious, as the true names are presently
11 unknown) (collectively referred to as "NYPD
12 Defendants"), JAMAICA HOSPITAL MEDICAL
13 CENTER, DR. ISAK ISAKOV, Individually and
14 in his Official Capacity, DR. LILLIAN
15 ALDANA-BERNIER, Individually and in her
16 Official Capacity, and JAMAICA HOSPITAL
17 MEDICAL CENTER EMPLOYEE'S"JOHN DOE" #1-50,
18 Individually and in their Official
19 Capacity, (the name John Doe being
20 fictitious, as the true names are presently
21 unknown),

22 Defendants.

23 -----

24 111 Broadway
25 New York, New York

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

LAUTERBORN

Page 3

1

2 November 7, 2013

3 10:10 A.M.

4

5 VIDEO DEPOSITION of THEODORE
6 LAUTERBORN, the Defendant in the
7 above-entitled action, held at the above
8 time and place, taken before Dawn Miller, a
9 Notary Public of the State of New York,
10 pursuant to court order and stipulations
11 between Counsel.

12 * * *

13

14

15

16

17

18

19

20

21

22

23

24

25

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

LAUTERBORN

Page 4

1 A P P E A R A N C E S

2 LAW OFFICES OF NATHANIEL B. SMITH

3 Attorneys for Plaintiff

4 111 Broadway

5 New York, New York 10006

6 BY: NATHANIEL B. SMITH, ESQ.

7

8 ALSO PRESENT: JOHN LENOIR, ESQ.

9 MAGDALENA BAUZA, VIDEOGRAPHER

10

11

12

13

14 MICHAEL CARDOZO, ESQ. - CORPORATION COUNSEL

15 NEW YORK CITY LAW DEPARTMENT

16 Attorneys for Defendants THEODORE

17 LAUTERBORN and ALL CITY DEFENDANTS

18 100 Church Street

19 New York, New York 10007

20 BY: SUZANNA PUBLICKER METTHAM, ASST.

21 CORPORATION COUNSEL

22 RYAN G. SHAFFER, ASST. CORPORATION

23 COUNSEL

24 FILE NO.: 2010-033074/CONTROL # SSS08994

25

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

LAUTERBORN

<15>

Page 5

1 A P P E A R A N C E S

2 MARTIN, CLEARWATER & BELL, LLP

3 Attorneys for Defendant JAMAICA HOSPITAL

4 MEDICAL CENTER

5 220 East 42nd Street

6 New York, New York 10017

7 BY: BRIAN OSTERMAN, ESQ.

8

9

10

11

12 IVONE, DEVINE & JENSEN, LLP

13 Attorneys for Defendant DR. ISAK ISAKOV

14 2001 Marcus Avenue

15 Lake Success, New York 11042

16 BY: BRIAN E. LEE, ESQ.

17

18

19

20 CALLAN, KOSTER, BRADY & BRENNAN, LLP

21 Attorneys for Defendant LILLIAN

22 ALDANA-BERNIER

23 One Whitehall Street

24 New York, New York 10004

25 BY: MATTHEW J. KOSTER, ESQ.

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

LAUTERBORN

<16>

Page 6

1 A P P E A R A N C E S

2 SCOPPETTA, SEIFF, KRETZ & ABERCROMBIE,
3 ESQS.

4 Attorneys for Defendant DEPUTY INSPECTOR
5 STEVEN MAURIELLO

6 444 Madison Avenue

7 New York, New York 10022

8 BY: WALTER A. KRETZ, ESQ.

9 FILE NO.: 2010-033074

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

LAUTERBORN

Page 7

1 S T I P U L A T I O N S
2
34 IT IS HEREBY STIPULATED AND AGREED, by
5 and among the Attorneys for the respective
6 parties hereto that filing and sealing be
7 and the same are hereby waived.8 IT IS FURTHER STIPULATED AND AGREED
9 that all objections except as to form of
10 the question, shall be reserved to the time
11 of trial.12 IT IS FURTHER STIPULATED AND AGREED
13 that the within examination may be signed
14 and sworn to before any notary public with
15 the same force and effect as though signed
16 and sworn to before this Court.

17

18 T H E O D O R E L A U T E R B O R N,
19 having been first duly sworn by Dawn
20 Miller, a Notary Public within and for the
21 State of New York, was examined and
22 testified as follows:23 MR. SMITH: On the record, it
24 is 10:10. It is November 7th 2013.

25 We are at my offices at 111 Broadway,

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

LAUTERBORN

<18>

Page 8

1 T. LAUTERBORN

2 New York, New York, Suite 1306.

3 We are here today for the
4 deposition of Captain Lauterborn and
5 the deposition is being videotaped as
6 well as we have a court reporter
7 here.8 MS. METTHAM: Before we start
9 I'd like to put a couple of
10 stipulations, as we stated about the
11 video recording, the video must be
12 focused on Captain Lauterborn without
13 anyone else on camera, no zooming in
14 or out, no panning. Discussion of
15 Attorneys' Eyes Only are confidential
16 materials and must be separately
17 recorded as the transcript must also
18 be separately bound.19 I would also just request a copy
20 of the transcript for Captain
21 Lauterborn to review pursuant to the
22 30E1 Procedure.23 MR. SMITH: All of those
24 decisions are the courts. This is
25 being taken pursuant to order,

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

LAUTERBORN

Page 9

1

2 pursuant to the Federal procedure.

3

Good morning, Captain.

4

THE WITNESS: Good morning.

5

MR. SMITH: My name is

6

Nathaniel Smith. I represent Adrian Schoolcraft in the lawsuit you're one of the defendants in. I assume you're familiar with the existence of the lawsuit, right?

10

11

THE WITNESS: Yes.

12

13

MR. SMITH: Have you ever been deposed before?

14

15

THE WITNESS: I believe it was one other time.

16

17

MR. SMITH: You recognize that you're under oath right now, right?

18

THE WITNESS: Yes.

19

20

MR. SMITH: Because of the oath, it's important that if you have any questions or if anything that I say to you or ask is unclear, that you let me know, okay?

24

THE WITNESS: Sure.

25

MR. SMITH: Because if I ask

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

LAUTERBORN

<21>

Page 335

1

2 hours now. Your time is done. If any
3 of the other defendants have questions

4 --

5 MR. SMITH: You're terminating
6 my examination right now?

7 MS. METTHAM: Yeah, you went
8 for seven hours on the record and --

9 MR. SMITH: I have got some
10 more questions for the witness. I'm
11 not done.

12 MS. METTHAM: Okay.

13 MR. LEE: I have about five
14 questions.

15 MR. SMITH: Your terminating
16 my examination?

17 MS. METTHAM: You used the
18 seven hours that were available to
19 you.

20 MR. SMITH: I will continue my
21 examination on another day.

22 EXAMINATION CONDUCTED BY

23 MR. LEE:

24 MR. LEE: Good evening. I
25 represent one of the doctors who

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

1

2 treated the plaintiff at Jamaica
3 Hospital, Dr. Isakov. I have a few
4 questions for you.

5 Q. At anytime on October 31 or
6 thereafter, did you speak to any hospital
7 personnel at anytime?

8 A. No, I did not.

9 Q. Did you speak with any doctors or
10 nurses from Jamaica Hospital at anytime?

11 A. No, I did not.

12 Q. Did you ever instruct any NYPD
13 employees to tell people at Jamaica
14 Hospital anything?

15 MR. LEE: Bad question. Let
16 me withdraw it.

17 Q. Did you ever instruct any NYPD
18 personnel what to say to hospital personnel
19 when they got there?

20 A. No, I did not.

21 Q. Did you ever speak with Dr.
22 Isakov at anytime?

23 A. No, I did not.

24 MR. LEE: Nothing further.

25 MS. METTHAM: I have a few

Page 1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X

4 ADRIAN SCHOOLCRAFT,

5 Plaintiff,

6 Index No.

7 vs. 10 Civ 6005 (RWS)

8 CITY OF NEW YORK, et al.,

9 Defendants.

10 -----X

11 VOLUME II

12 CONTINUED DEPOSITION OF TIMOTHY CAUGHEY

13 New York, New York

14 Monday, December 9, 2013

15

16

17

18

19

20

21

22

23 Reported by:

24 Diane Buchanan

25 JOB NO. 1779274

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

Page 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

December 9, 2013

2:47 p.m.

Continued Deposition of TIMOTHY
CAUGHEY, held at the Law Offices of
Nathaniel B. Smith, 111 Broadway, New
York, New York 10006, pursuant to
Notice, before Diane Buchanan, a Notary
Public of the State of New York.

Page 3

1 A P P E A R A N C E S:

2

3 LAW OFFICE OF NATHANIEL B. SMITH

4 Attorneys for Plaintiff

5 111 Broadway

6 New York, New York 10006

7 BY: NATHANIEL B. SMITH, ESQ.

8 JOHN LENOIR, ESQ.

9

10 MICHAEL CARDOZO

11 Corporation Counsel of the City of New
12 York

13 100 Church Street

14 New York, New York 10007

15 BY: RYAN SHAFFER, ESQ.

16

17 MARTIN CLEARWATER & BELL, LLP

18

19 Attorneys for Jamaica Hospital Center

20

21 220 East 42nd Street

22

23 New York, New York 10017

24

25 BY: BRIAN OSTERMAN, ESQ.

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400